

(SRI B. M. PATIL)

The Municipal employees had no work at Khanapur nor were they entrusted with any work which would take them out of the town. That evening, they had not even collected any money from octroi nakas nor had they taken permission of any municipal authorities to take the jeep outside the town. It appears that they were going to Khanapur for merry making after consuming liquor and it appears that driver had driven the jeep fast and having lost control, dashed against the right side railing and further on against a tree. After the vehicle fell down in the ditch some persons from neighbouring villages within a distance of 2 furlongs collected but before they arrived all the four had died.

There is no question of prosecuting anyone here as all the four occupants including the driver had died.

As the Superintendent of Police has ordered the closure of the investigation, the Divisional Commissioner, Belgaum, has requested the President, City Municipal Council, Belgaum, to consider the question of payment of compensation to the families of the deceased. The Divisional Commissioner, Belgaum, has also requested the Deputy Commissioner, Belgaum, to obtain necessary sanction early to the payment of pension to the widow of the deceased Sri V. G. Inamdar who was deputed to the municipality from Belgaum District Establishment.

[MR. SPEAKER in the Chair]

SRI B. B. SAYANAK.—The Hon. Minister has stated that Municipal Jeep was being used between 9 A.M. and 12 NOON and between 5 P.M. and 9 P.M. May I know whether 27th February 1969 was not a holiday for the Belgaum City Municipality?

SRI B. M. PATIL.—27th February 1969 might be a holiday. I have already made it clear in my statement that without permission and for no specific work, the Jeep was taken outside Belgaum Municipal limits.

SRI B. B. SAYANAK.—These persons were taking the jeep every Sunday to Khanapur. Had that come to the notice of the Administrator?

SRI B. M. PATIL.—No. It has not come to the notice of the Government.

Notice of Adjournment Motion regarding Closure of Regulated Market at Raichur

SRI M. NAGAPPA (Raichur).—Sir, what about the notice of my adjournment motion?

MR. SPEAKER.—The Hon. Deputy Minister for Co-operation will make a statement.

† Sri B. L. GOWDA (Deputy Minister for Co-operation).—Sir, some of the Traders and Commission Agents in Raichur Market had filed 18 Writ Petitions questioning the constitutionality of the New Act, Rules and the Bye-laws. These writ petitions came up for hearing along with other Writ Petitions and a common judgement has been passed by the High Court on 3rd February 1969 dismissing all the Writ Petitions.

The High Court while dealing with the market fee payable by the Traders have opined as follows :—

“So, in those cases in which there were no market-yards under the repealed enactments, the market fee could be demanded only from the date on which it became due after the establishment of the Market yards, and not for any antecedent period under the new Act. Our conclusion that the market fee under the new Act cannot be recovered in the areas in which no market yards have been established under the repealed enactments is restricted only to the period antecedent to the date in which after the establishment of market yards in those areas under the new Act on December 7, 1968 and in the case of Hospet on December 16/19, 1968, the new market fee becomes properly exigible.”

In pursuance of the above decision, the Market Committee, Raichur in their meetings held on 25th, 26th and 28th March 1969 resolved to collect the market fees from the traders from 28th March 1969, through the Commission Agents and they also requested the Commission Agents to give full account of the arrears of market fees due to the Market Committee from 7th December 1968. They also opined that the Committee may consider giving concessions to collect the arrears of market fees in instalments.

The decisions taken by the Market Committee, Raichur are perfectly legal. As per the decision of the High Court, traders who effect purchases in the Market Yard have to pay Market Fees through to the Commission Agents from 7th December 1968 (the date on which the Market has been declared by the Chief Marketing Officer) onwards in respect of purchases made by them.

The allegations that no legal bye-laws are framed by competent authority and that the Market Committee is incompetent to recover the claim in respect of the Market Fees is quite untenable. The High Court of Mysore while dealing with the Writ Petitions cited earlier have held that the old Market Committee though constituted under the old Acts shall perform the functions and exercise the powers under the new Act as per Proviso (c) to Section 154 (1) of the new Act and that the old Market Committee are competent to make bye-laws under Section 148 until the first bye-laws are made under section 149 of the new Act by the Chief Marketing Officer when the new Committees are constituted in their places under Section 10 of the new Act. It is clear that the bye-laws framed by the present Market Committee, Raichur and approved by the Chief Marketing Officer are perfectly in order under section 148 of the Act.

(SRI B. L. GOWDA)

Further, the Government had permitted the Market Committee to collect commission charges at the rate of 2% ; but after the new Act has come into force under the new bye-laws framed by the Market Committee and approved by the Chief Marketing Officer, the Market Committee has fixed the commission payable to the Commission Agent at $1\frac{1}{2}\%$ which is the maximum admissible under Section 78 of the new Act. In view of this, the Commission Agents cannot recover commission at any rate higher than $1\frac{1}{2}\%$ and if any body recovers more than $1\frac{1}{2}\%$ as commission charges he is liable for refund of the same.

Aggrieved by the decisions taken by the Market Committee, Raichur, the traders and commission agents went on a regrettable strike from 1st April 1969 and stopped the business completely. Some of the merchants visited Bangalore and attended a meeting in the Chambers of the Hon'ble Deputy Minister for Co-operation. The Hon'ble Deputy Minister for Social Welfare, the Chief Marketing Officer, the Joint Chief Marketing Officer, and Sri M. Nagappa, MLA and Smt. Nagamma, MLA from Raichur were also present. After detailed discussions it was decided that the merchants should resume auctions immediately and that their grievances, if any, would be considered. Accordingly, the merchants have gone back and resumed auctions with effect from 9th April 1969.

In the circumstances, there does not appear to be any valid justification to adjourn the business of this House for the purpose of discussing the adjournment motion tabled by Sri M. Nagappa.

ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ.—ಹಿಂದೆ ಹೊಸ ಆಕ್ಟ್ ಬಂದನಂತರ ಮಾರ್ಚ್ ಕಮಿಷಿಯವರು $1\frac{1}{2}\%$ ರೂಪಾಯಿ ಕಮಿಷನ್ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ನಿರ್ಣಯ ಮಾಡಿದ್ದರು. ಸರ್ಕಾರದವರು ಇದರ ಬಗ್ಗೆ 2 ರೂಪಾಯಿ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ನೋಟಿಫಿಕೇಷನ್ ಮಾಡಿದರು. ಸರ್ಕಾರದವರು ಇದನ್ನು ಕಾಯಿದೆಗೆ ವಿರುದ್ಧವಾಗಿ ಮಾಡಲಕ್ಕೆ ಏನು ಕಾರಣ ಇತ್ತು?

ಎರಡನೆಯದು 7-12-68 ರಲ್ಲಿ 2 ರೂಪಾಯಿ ಕಮಿಷನ್ ಇಲ್ಲಗವ್ ಕರೆಕ್ಷನ್ ಮತ್ತು ವಾಪಸ್ಸು ಕೊಡಿ ಎಂದು ಗೌರ್ಮೆಂಟ್ ಆರ್ಡರ್ ಮಾಡಿದ್ದಾರೆ. ಇದು ಮಾರ್ಚ್ ಕಮಿಷಿಗೆ ಹೋಗುತ್ತದೆಯೇ ಅಥವಾ ಸರ್ಕಾರಕ್ಕೆ ಹೋಗುತ್ತದೆಯೇ? ರೈತರು ಇದನ್ನು ವಾಪಸ್ಸು ಕೇಳುವುದು ಸರಿಯಲ್ಲವೇ? ಇವರಿಬ್ಬರ ಪ್ರೆಸ್ಟೀಜ್‌ನಿಂದ ನಷ್ಟ ಆಗುವುದು ರೈತರಿಗೆ ಇದರ ಬಗ್ಗೆ ಸರ್ಕಾರ ಯೋಚನೆ ಮಾಡಿ ಮುಂದೆ ಸ್ಟೆಪ್ಸ್ ಆಗಲಾರದಂತೆ ತೀವ್ರ ಕ್ರಮ ಕೈಗೊಳ್ಳುತ್ತೀರಾ?

ಶ್ರೀ ಬಿ. ಎಲ್. ಗೌಡ.—ಇದರ ಬಗ್ಗೆ 100ಕ್ಕಿಂತ ಹೆಚ್ಚು ರಿಟ್ ವಿಟಪನ್ ಹೈಕೋರ್ಟಿಗೆ ಹೋಗಿದ್ದರಿಂದ ಅದು ತೀರ್ಮಾನವಾಗಿದೆ. ಇಂಟರಿಮ್ ರಿಫೋರ್ಟ್ ಪ್ರಕಾರ 2 ರೂಪಾಯಿ ತೆಗೆದು ಕೊಂಡಿರುವುದನ್ನು ವಾಪಸ್ಸು ಕೊಡಬೇಕಾಗಿದೆ. ಈ ರೀತಿ ಉಭಯತ್ರರೂ ಹೋಗಿ ಹೈಕೋರ್ಟ್ ನಲ್ಲಿ ಒಪ್ಪಿಕೊಂಡಿದ್ದರಿಂದ ಅದರಂತೆ ತೀರ್ಮಾನವಾಗಿದೆ.

Sri H. SIDDAVEERAPPA.—May I know whether the Government passed an order that against the statutory provision of Rs. $1\frac{1}{2}$ they may recover Rs. 2 and if so, why did they do it?

Sri B. L. GOWDA.—We have not permitted that.

Sri M. NAGAPPA.—There is a Government Notification.

Sri B. L. GOWDA.— I have to verify it.

ಶ್ರೀ ಸದಾಶಿವಪ್ಪ ಪಾಟೀಲ್.—ಈ ಆಕ್ಟ್‌ನಲ್ಲಿ ಮಾರ್ಕೆಟ್ ಕಮಿಟಿಯವರು $1\frac{1}{2}$ ರೂಪಾಯಿಗಿಂತ ಜಾಸ್ತಿ ತೆಗೆದುಕೊಳ್ಳಬಾರದು ಎಂದು ಇದ್ದರೂ ಹಿಂದಿನ ಪಿ. ಡಬ್ಲ್ಯು. ಡಿ. ಮಂತ್ರಿಗಳಾದ ಶ್ರೀಮಾನ್ ವೀರೇಂದ್ರ ಪಾಟೀಲರವರು ಅಲ್ಲಿಗೆ ಬಂದಿದ್ದಾಗ ಡಿಫೆನ್ಸ್ ಫಂಡಿಗೆ 1 ಲಕ್ಷ ರೂಪಾಯಿ ಕೊಡುತ್ತೇನೆ ಎಂದು ಅವರು ಹೇಳಿದ ಬಳಿಕ 2 ರೂಪಾಯಿ ಕಮಿಷನ್ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಒಂದು ನೋಟಿಫಿಕೇಷನ್ ಹೊರಡಿಸಿದಿರಿ, ಈ ರೀತಿ ಇಲ್ಲೇಗರ್ ಕರೆಕ್ಷನ್ ಮಾಡಿ 16-17 ಲಕ್ಷ ರೂಪಾಯಿ ವಸೂಲಾಗಿದ್ದೀರಿ. ಇದನ್ನು ಮಾರ್ಕೆಟ್ ಕಮಿಟಿಯವರು ಮಾಡಿದರೇ ಸರ್ಕಾರದವರು ಮಾಡಿದರೇ? ಇದನ್ನು ಯಾವ ರೈತರಿಗೆ ವಾಪಸ್ಸು ಕೊಡುತ್ತೀರಿ? ಎಂದರೆ, ಕಲ್ಟಿವೇಷನ್ ಮಲ್ಟಿಪ್ಲಿನೋ ಈ ರೀತಿ ಎಷ್ಟು ಜನ ರುಜು ಹಾಕಿದ್ದಾರೋ ಅವರಿಗೆ ಹೋಗುತ್ತದೆ. ಅದುದರಿಂದ ನೀವು ಏನು ದುಡ್ಡು ವಾಪಸ್ಸು ಕೊಡುತ್ತೀರೋ ಅದನ್ನು ಅಲ್ಲಿ ಆಗ್ರಿಕಲ್‌ಚರರ್ ಇಂಜಿನಿಯರಿಂಗ್ ಕಾಲೇಜು ನಡೆಸಲಕ್ಕೆ ರೊಕ್ಕ ಇಲ್ಲ. ಅವರಿಗೆ ಕೊಡಿಸುತ್ತೀರಾ?

ಶ್ರೀ ಬಿ. ಎಂ. ಗೌಡ.—ಶ್ರೀಮಾನ್ ವೀರೇಂದ್ರ ಪಾಟೀಲರು ಈ ರೀತಿ ಹೇಳಿದರು ಎನ್ನುವ ಮಾತು ಸರಿಯಲ್ಲ. ಅದರ ಅವರು ಹೇಳಿದ ಮಾತು ಆಗ್ರಿಕಲ್‌ಚರರ್ ಇಂಜಿನಿಯರಿಂಗ್ ಕಾಲೇಜು ನವರಿಗೆ ಹಣ ಕೊಡಿಸುವ ಬಗ್ಗೆ ವಿಚಾರ ಮಾಡೋಣ.

Mr. SPEAKER.—In view of the reply and clarifications made by the hon. Deputy Minister, I withhold my consent to the adjournment motion.

Papers laid on the Table

Sri K. PUTTASWAMY (Minister for Law, Labour and Parliamentary Affairs).—On behalf of the Minister for Finance, Planning and Youth Welfare I beg to lay :

Notification No. XD 29 EFL 68 dated 23th March 1969 ;

The Mysore Excise (Lease of the Right of Retain vend of (Liquors) Rules, 1969 ;

Under sub-section (4) of Section 71 of the Mysore Excise Act, 1965.

On behalf of Deputy Minister for Social Welfare I beg to lay on the Table a copy of statement indicating the number of probation officers working under P.O. Act, the number of enquiries conducted and number of offenders reformed during 1967-68 as promised on 3rd April 1959 in reply to Starred Question No. 614 (790) by Sri B. Ganganna*

Petition by the President, Yemmedoddi Collective Farming Society, Birur Hobli, Kadur Taluk

Presentation

Sri M. MALLAPPA (Birur).—I beg to present a petition signed by the President of Yemmedoddi Collective Farming Society, Birur Hobli, Kadur Taluk.

Mr. SPEAKER.—The petition is presented. It will go to the Committee on Petitions.

*Copy laid in the Mysore Legislative library.